UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA	**Magistrate Docket No.** '08 MJ 0189
	DS Case# PF-2007-04685
Plaintiff	
	COMPLAINT FOR VIOLATION OF:
v.	
Angel Caballero-NIEVEZ aka: Carlos Portillo NIEVEZ	**TITLE 18 U.S.C. 1542** **False Statements in Application for a U.S. Passport (Felony)**
Defendant	

The undersigned complainant, being duly sworn, states:

On May 11, 2005, within the Southern District of California, Defendant, using the assumed identity of Carlos Portillo Nievez, did knowingly and willfully make a false statement in an application for a passport with the intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of such passports, to wit: completed a passport application (DS-11), in which he claimed to be Carlos Portillo Nievez, born May 1, 1972, knowing full well that he was not. The Defendant was issued that passport, and subsequently made false statements in application for a passport again when he reapplied on June 23, 2007, knowingly and willingly claiming to be Carlos Portillo Nievez, born May 1, 1972, knowing full well that he was not.

All in violation of Title 18, United States Code, Section 1542.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Bruce Palombo

Signature of Complainant
Bruce A. Palombo Jr., Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 22nd day of January, 2008.

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT RE: Angel Caballero NIEVEZ a.k.a. Carlos Portillo NIEVEZ

STATEMENT OF FACTS

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Bruce Palombo, a Special Agent with the Department of State ("DOS"), being duly sworn, depose and state:

2. That I am a Special Agent with the DOS assigned to investigate violations of Passport and Visa Fraud. I have attended the Federal Law Enforcement Training Center in Glynco, GA, for the Criminal Investigator Program. I have also completed State Department's course for criminal investigations in matters dealing with U.S. Passport and Visa Fraud. I have been a Special Agent with the DOS since September 2005.

3. The statements contained in this affidavit are based on my personal knowledge and information related to me by the DOS as well as other federal, state, and local law enforcement officers.

4. This Affidavit is made in support of a complaint against Angel Caballero, a/k/a Carlos Portillo Nievez, for a violation of Title 18, U.S.C. §1542 – False Statement(s) in an application for a passport. This affidavit does not contain every fact, piece of information or evidence concerning this alleged violation. However, no detail or fact that could potentially negate probable cause has been excluded.

5. On or about May 11, 2005, the DEFENDANT, purporting to be Carlos Portillo Nievez executed an application for a U.S. Passport in San Diego, CA. The DEFENDANT was subsequently issued passport number 305977615. The same individual then executed an application for U.S. Passport, numbered 312097614, on or about June 23, 2007, in San Diego, CA. The second application was flagged for investigation because a passport had been issued to a different individual in Arizona. The Arizona identity was investigated by the Immigration and Customs Enforcement Agency (ICE), in conjunction with the current DEFENDANT in a document vending ring. ICE concluded the Arizona identity was the true Carlos Portillo Nievez, and subsequently determined the DEFENDANT to be Angel Caballero-NIEVEZ.

6. The Los Angeles Fraud Manager referred this case to the San Diego Resident Office after application number 312097614 was found to have fraud indicators. I contacted Special Agent (SA) Andy Ruiz of ICE, and spoke with him about his previous case on the DEFENDANT'S false identity of Carlos Portillo Nievez. I had received copies of SA Ruiz's Report of Investigation (ROI) and photographs of the DEFENDANT and the person in Arizona determined to be the true Carlos Portillo Nievez attached with his ROI. The photos of the DEFENDANT from SA Ruiz's ROI and our passport applicant appear to be the same. SA Ruiz confirmed that the DEFENDANT was the same individual named in his report as Angel Caballero-NIEVEZ, whom he had previously investigated. I contacted the DEFENDANT, and requested an interview. On January 18, 2008, the DEFENDANT arrived at the San Diego Resident Office and presented a California Driver's license, number D2432484, in the name of Carlos P. Nievez, as proof of identity. The DEFENDANT was questioned whether U.S. Passport application numbers 305977615 (2005) and 312097614 (2007) were completed and executed by him, to which he replied in the affirmative. The person presenting himself to be Carlos Portillo Nievez was the same person arrested previously by ICE, named Angel Caballero-Nievez. Based on DEFENDANT'S previous arrest and subsequent deportation for falsely using the identity of Carlos Portillo Nievez, DEFENDANT was

CONTINUATION OF COMPLAINT RE: Angel Caballero NIEVEZ a.k.a. Carlos Portillo NIEVEZ

informed he was being placed under arrest. The DEFENDANT was read his Miranda warnings, and waived his right to an attorney and spoke with us.

7. The DEFENDANT stated he was raised as Carlos Portillo Nievez in Nipomo, California, but he knew his name was Angel Caballero-Nievez. The DEFENDANT was fingerprinted at the office, and those prints were sent electronically to the FBI database. The FBI database responded to our inquiry, confirming that the DEFENDANT was the same Angel Caballero-Nievez arrested by ICE for impersonating Carlos Portillo Nievez in 2001.

8. Based on the facts and information detailed in the affidavit, I assert that there is probable cause to believe that the DEFENDANT, did knowingly and willfully make false statements in an application for a passport, in violation of 18 U.S.C. § 1542, when he falsely stated his name as being Carlos Portillo NIEVEZ, and provided identity and citizenship documents asserting the same, on the above mentioned passport applications.

Bruce Palombo
Special Agent
U.S. Department of State
Diplomatic Security Service

SUBSCRIBED AND SWORN BEFORE ME
ON

On the basis of the facts presented in the foregoing affidavit, I find that there is probable cause to believe that the defendant named therein committed the offense alleged in the complaint on May 11, 2005 and June 22, 2007 in violation of Title 18 U.S.C. § 1542.

The Honorable Jan M. Adler
United States Magistrate Judge
Southern District of California

1/19/08 @ 12:51 a.m.
DATE/TIME